



August 20, 2021

VIA ECF

Hon. Naomi Reice Buchwald
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Courtroom 21A
New York, NY 10007-1312

**Re: Stewart v. Stewart
 Case No. 19-cv-05960**

Dear Judge Buchwald:

This letter responds to defendant's letter to the Court dated August 16, 2021 seeking a pre-motion conference to file a motion for contempt (Doc. 118). Plaintiff was surprised by defendant's request in that we have begun settlement discussions and defendant did not call the undersigned to inquire about her concern over the documents referenced in her letter.

A simple call to your deponent would have revealed that all documents responsive to defendant's demands have been produced or are not in plaintiff's possession. Plaintiff produced the letter detailing title to the jewelry as well as e-mails from defendant regarding possession of the jewelry, which have been produced in discovery by both parties. So too, the Referee's report was produced as part of the marital file. Plaintiff did not locate a copy of the agreement signed by Sotheby's, but that agreement was fully executed and completed, and defendant subpoenaed Sotheby's, and presumably is in possession of that document and any others it seeks herein. Plaintiff is also not in possession of the canceled check or wire confirmation, although in any case it is hard to understand how that (or any of the other documents referenced) is in any manner relevant to any issue in the case, as documents detailing the amount of the consideration and the parties involved have been more than fully detailed in the documents produced.

Plaintiff takes exception to the accusation that it has refused to comply with discovery or that it has delayed the case, and there is no basis for making that statement, especially in the absence of any effort by defense counsel to discuss the matter raised in defendant's letter. We are prepared to provide the Court with a point-by-point detailed response to the allegations raised in defendant's letter if the Court so requests at this time or any time in the future.

Plaintiff will continue to focus on resolution of this case via settlement.

Thank you for your attention to this matter.

Very truly yours,



David P. Marcus

DPM:cac

cc: Edward P. Yankelunas, Esq. (*via ECF*)
Nathan McMurray, Esq. (*via ECF*)
Catherine Pastrikos Kelly, Esq. (*via ECF*)
David B. Grantz, Esq. (*via ECF*)
Javier M. Lopez, Esq. (*via ECF*)